

Appl. No. 09/751,645
Amdt. dated February 24, 2004
Reply to Office action of November 11, 2003

REMARKS/ARGUMENTS

Claims 1-8 and 11-45 are pending in the application, and claims 2-8, 11-13, 17-24, 28 and 34-40 are withdrawn from consideration as being drawn to a non-elected invention and species. Claims 1, 14-16, 25-27, 29-33 and 41-45 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 1,730,938 to O.F. Kleeb et al. ("Kleeb") in view of U.S. Patent No. 1,746,594 to A.C. Jacobson ("Jacobson"). Applicant has amended claims 1, 14, 31, 32 and 41-44 to more clearly define Applicant's invention. Applicant has canceled claims 16, 30, 33 and 45, and Applicant has added new claims 46 and 47. No new matter has been added. Applicant believes that the claims, as amended, set forth features distinguishable over the cited references and, therefore, are in condition for allowance.

Responsive to the rejection of claims 1, 14-16, 25-27, 29-33 and 41-45 as being unpatentable over Kleeb in view of Jacobson, claims 16, 30, 33 and 45 have been canceled. Applicant submits that the combination of Kleeb and Jacobson does not disclose, teach or suggest every element of Applicant's amended claims 1, 14 and 41. Specifically, amended claims 1, 14 and 41 now recite a power saw including a pair of pivot supports.

Examiner argues that Kleeb teaches platform 1, support plate 31, a saw assembly, balancing apparatus 60, saw blade 22, an oscillating mechanism, pivot support 19, counterweight 61, a beam 20 and an aperture. Even if saw carrying frame 19 is construed to be a pivot support, as the Examiner states, Kleeb only teaches the use of one carrying frame. On the contrary, Applicant's application for patent discloses the use of a pair of pivot supports 28. Pivot supports 28 are secured to the top surface of platform 14 by suitable methods such as welding or brazing and are disposed on both sides of end 34 of platform 14 to support the width of saw support plate 24 and balancing apparatus 26 (page 6 of patent application, lines 8-12; Figure 6). Accordingly, each of amended claims 1, 14, 34 and 41 recite a pair of pivot supports. Applicant is not aware

Appl. No. 09/751,645
Amdt. dated February 24, 2004
Reply to Office action of November 11, 2003

of any portion of Kleebe or Jacobson that teaches or suggests a power saw including a pair of pivot supports. Consequently, the combination of Kleebe and Jacobson does not disclose, teach or suggest the recitations of amended claims 1, 14, 34 and 41. It is Applicant's belief that these amended claims are patentable over the cited prior art.

Responsive to the rejection of remaining claims 15, 25-27, 29, 31, 32 and 42-44, each of these claims, as well as new claims 46 and 47, directly or indirectly depend from one of amended claims 1, 14 and 41. Because these claims incorporate all of the respective elements of one of amended claims 1, 14 and 41 therein, Applicant submits that these claims are also patentable over Kleebe in view of Jacobson.

For all of these reasons, Applicant submits that claims 1, 14, 15, 25-27, 29, 31, 32, 41-44, and 46-47 are not disclosed, taught or suggested by the combination of Kleebe and Jacobson, thereby placing the application in condition for allowance. Applicant respectfully requests allowance thereof.

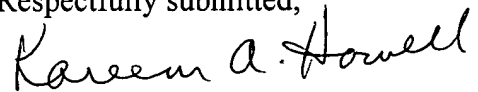
Should any questions concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (317) 237-1184.

In the event that Applicant has overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicant hereby

Appl. No. 09/751,645
Amdt. dated February 24, 2004
Reply to Office action of November 11, 2003

conditionally petitions therefore and authorizes that any charges be made to Deposit Account No.
02-0390, BAKER & DANIELS.

Respectfully submitted,



Kareem A. Howell
Registration No. 53,039
Attorney for Applicant

KAH/jk

BAKER & DANIELS
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204
Telephone: (317) 237-1184
Fax: (317) 237-1000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
Box RCE
Washington, D.C. 20231

on: February 24, 2004.

Kareem A. Howell, Reg. No. 53,039
Name of registered representative



SIGNATURE